

Title 28-A: LIQUORS
Chapter 5: LOCAL OPTION

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Maine Revised Statutes
Title 28-A: LIQUORS
Chapter 5: LOCAL OPTION

§121. LOCAL OPTION ELECTION IN A MUNICIPALITY

A local option election in a municipality shall be held in the following manner. [1987, c. 45, Pt. A, §4 (NEW).]

1. Petition. A petition for a local option election must be signed by a number of voters equal to at least 15% of the number of votes cast in that municipality in the last gubernatorial election. All petition signatures must have been signed since the last general election. The petition must be addressed to and received by the municipal officers at least 45 days before holding any primary, special statewide, general or municipal election or town meeting.

[1993, c. 608, §2 (AMD) .]

2. Meeting. Upon receipt of a petition, the municipal officers shall notify the inhabitants of their respective municipalities to meet in the manner prescribed by law. The meeting shall be held to vote upon any or all of the questions contained in section 123.

[1987, c. 45, Pt. A, §4 (NEW) .]

3. Conduct of election. Except as provided in this section, the petition process and the voting at elections held in towns and plantations must be held and conducted in accordance with Title 30-A, sections 2528, 2529 and 2532, even if the town or plantation has not accepted the provisions of section 2528. The voting at elections held in cities must be held and conducted in accordance with Title 21-A. No referendum questions except those set out in section 123 may be printed on the ballot. The municipal clerk shall make a return of the results, certify the results and send it to the office of the Secretary of State. The Secretary of State shall forward the results to the bureau.

[1997, c. 373, §29 (AMD) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 147, §1 (AMD). 1993, c. 608, §§2,3 (AMD). 1997, c. 373, §29 (AMD).

§122. UNINCORPORATED PLACES

1. No local option election. No local option election may be held in unincorporated places.

[1989, c. 158, §2 (RPR) .]

2. Authorization of sales. The county commissioners may, after holding a public hearing:

A. Authorize or refuse to authorize the sale of liquor to be consumed on the premises where sold; and
[1987, c. 342, §17 (NEW).]

B. Authorize or refuse to authorize the sale of liquor to be consumed off the premises where sold.
[1987, c. 342, §17 (NEW).]

[1987, c. 342, §17 (NEW) .]

3. Approval of licenses. The county commissioners may refuse to approve a liquor license application on the ground that the license is not warranted for any substantial public convenience, necessity or demand.

[1987, c. 342, §17 (NEW) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 147, §2 (AMD). 1987, c. 342, §17 (RPR). 1989, c. 158, §2 (AMD).

§123. LOCAL OPTION QUESTIONS

Any one or more of the following questions may be voted on in a local option election held under section 121. Each question applies to both full-time and part-time licensed establishments. [1987, c. 342, §18 (RPR).]

1. Sale of liquor for consumption on the premises on days other than Sunday. Shall this municipality authorize the State to issue licenses for the sale of liquor to be consumed on the premises of licensed establishments on days other than Sunday?

[1997, c. 373, §30 (AMD) .]

2. Sale of spirits and fortified wine for consumption off the premises on days other than Sunday. Shall this municipality authorize the State to permit the operation of agency liquor stores on days other than Sunday?

[2013, c. 368, Pt. V, §24 (AMD) .]

2-A. Sale of malt liquor and wine for consumption off the premises on days other than Sunday. Shall this municipality authorize the State to issue licenses for the sale of malt liquor and wine to be consumed off the premises of licensed establishments on days other than Sunday?

[1997, c. 373, §30 (AMD) .]

3. Sale of liquor for consumption on the premises on Sundays. Shall this municipality authorize the State to issue licenses for the sale of liquor to be consumed on the premises of licensed establishments on Sundays?

[1997, c. 373, §30 (AMD) .]

4. Sale of spirits and fortified wine for consumption off the premises on Sundays. Shall this municipality authorize the State to permit the operation of agency liquor stores on Sundays?

[2013, c. 368, Pt. V, §25 (AMD) .]

4-A. Sale of malt liquor and wine for consumption off the premises on Sundays. Shall this municipality authorize the State to issue licenses for the sale of malt liquor and wine to be consumed off the premises of licensed establishments on Sundays?

[1997, c. 373, §30 (AMD) .]

5. Operation of state liquor stores and agency liquor stores on Sunday.

[1987, c. 342, §18 (RP) .]

6. Sale of spirits to be consumed on the premises on Sunday.

[1987, c. 342, §18 (RP) .]

7. Sale of malt liquor and wine to be consumed on the premises on Sunday.

[1987, c. 342, §18 (RP) .]

8. Sale of malt liquor and wine for consumption on the premises on Sunday.

[1987, c. 342, §18 (RP) .]

9. Operation of bottle clubs.

[1987, c. 342, §18 (RP) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §18 (RPR). 1991, c. 95, §§1-4 (AMD). 1997, c. 373, §30 (AMD). 2013, c. 368, Pt. V, §§24, 25 (AMD).

§124. RESULTS OF VOTE**1. Determination vote.** If the results of an election held under section 121 or 122 show that:

A. A majority of the votes cast in any municipality on any local option question is in the affirmative, the bureau may issue licenses of the type authorized by the affirmative vote in that municipality; [2001, c. 471, Pt. B, §14 (AMD) .]

B. A majority of the votes cast in any municipality on any local option question is in the negative, the bureau may not issue licenses of the type denied by the negative vote in that municipality; or [2001, c. 471, Pt. B, §14 (AMD) .]

C. The vote is tied on any local option question, the law remains as it was before the voting. [1997, c. 373, §31 (AMD) .]

[2001, c. 471, Pt. B, §14 (AMD) .]

2. Effective date. The vote is effective on the first day of the month following the certification of the vote to the Secretary of State.

[1987, c. 45, Pt. A, §4 (NEW) .]

3. Existing licenses. The holder of any license issued and outstanding on the effective date of the local option vote that denies issuance of that type of license and specifically indicates that the existing privilege is to be voided shall immediately surrender it to the bureau. The bureau shall refund that portion of the unused fee paid.

[1997, c. 373, §32 (AMD) .]

4. Repeal or reconsideration. When a municipality has voted to accept or reject any local option question, the vote is effective until repealed by a new petition and vote as required by section 121 or 122. A negative vote on a question repeals existing privileges only if the petition clearly indicates an intent that it do so. No local option vote may be taken on the same question more than once in any one-year period.

[2001, c. 471, Pt. B, §15 (AMD) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 623, §5 (AMD). 1991, c. 95, §5 (AMD).
1991, c. 377, §15 (AMD). 1997, c. 373, §§31,32 (AMD). 2001, c. 471,
§§B14,15 (AMD).

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